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SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000

FAX: (202) 393-5760

http://www.skadden.com

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July 26, 2000

DIRECT DIAL
(202) 371-7245
DIRECT FAX
(202) 661-8291
EMAIL ADDRESS
CHUDSON@SKADDEN.COM

Magalie Roman Salas, Secretary
Federal Communications Commission
Counter TW-A325
The Portals, 445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Submission of Northpoint Technology, Ltd.
0173-EX-ST-2000, WA9XHY
ET Docket No. 98-206, RM-9147, RM-9245

Dear Ms. Salas:

In accordance with Section 1.1206 of the Commission's rules, 47 CFR § 1.1206, this letter is written to notify you that Sophia Collier, Katherine Reynolds and Antoinette C. Bush of Northpoint Technology, Ltd. ("Northpoint") met on July 25, 2000 with Thomas Sugrue, Kathleen Ham, Diane J. Cornell, D'Wana Terry, Thomas P. Stanley, Walter Strack and Mark Rubin.

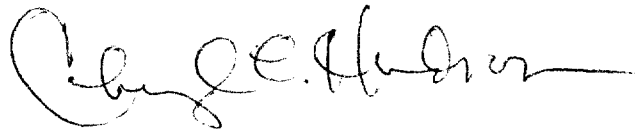
The participants discussed the status of the applications filed in January, 1999 by affiliates of BroadwaveUSA. The Northpoint representatives also responded to certain claims made by direct broadcast satellite service operators related to tests that they had conducted and provided copies of the two attached documents.

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Magalie Roman Salas
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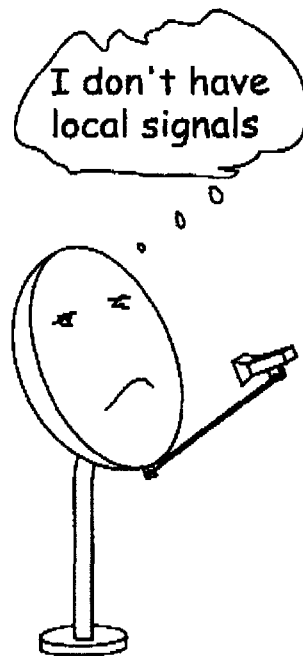
An original and eight copies of this letter are submitted for inclusion in the public record for the above-captioned proceedings. Please direct any questions concerning this submission to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cheryl L. Hudson", with a long horizontal flourish extending to the right.

Cheryl L. Hudson
Counsel for Northpoint Technology, Ltd.

cc: Thomas Sugrue
Diane Cornell
D'Wana Terry
Thomas Stanley
Mark Rubin
Walter Strack



IS THIS YOUR DISH?

Subscribing to satellite television may be a great way to get movies and other out of this world content, but most DBS subscribers miss their local channels with local news, weather and yes, even local advertising information. Now with Broadwave's new wireless service you do not need to miss out on what is happening locally because Broadwave brings the local channels, cable-type programs and internet downloads right to your small dish antenna!

Yes, that's right - you can have local channels with your satellite television service.

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Don't wait and wonder what's on TV tonight. Get in tune today with all your local television happenings with the new Broadwave service - Call today for the TV you have been missing.

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FACT SHEET ON NORTHPOINT TECHNOLOGY

DBS Assertion: Recent DBS testing shows that Northpoint technology will cause harmful interference to DBS.

The Facts: This is incorrect. DBS did not operate its terrestrial transmitter system according to the parameters specified by Northpoint technology, but instead used a “test to failure” methodology wherein it continuously raised its power level until its small dish antenna system failed to operate. Since DBS did not properly replicate the Northpoint system in its testing, it is inaccurate to draw any conclusions about Northpoint from the DBS demonstration.¹

Northpoint did make use of the DBS high-powered operations to conduct its own testing of a new flat panel reception antenna made by Fortel. Interestingly, even when the DBS dish antenna had failed due to DBS’ extreme power levels, the Fortel flat panel antenna continued to receive the DBS video signal in a quasi error free manner at all power levels used by DBS. Northpoint therefore was able to show that mitigation techniques exist to produce a high quality video signal for even the most extreme conditions. The Fortel antenna is also more attractive than a dish and is suitable for mounting in a wider range of deployments.

DBS Assertion: The DBS report presents “new” information to the FCC.

The Facts: The data of the DBS report is old news and the DBS conclusion that Northpoint operations will cause harmful interference does not follow from the data presented.

Northpoint itself retained ComSearch in 1997 to perform its own “test to failure” work in Kingsville, Texas in order to establish the necessary parameters for successful co-channel operations with DBS. Northpoint filed ComSearch’s report with the Commission in January 1998. The report ComSearch prepared for Northpoint documents the power levels that Northpoint technology requires to achieve what ComSearch described as “no interference².” If DBS had allowed ComSearch to operate its DBS terrestrial system according to the parameters included in the 1997 ComSearch Report it would have found what ComSearch recorded in its report provided to the FCC:

“Consistently, at all sites, when the interference level was equal to or below the satellite level as seen by the analyzer on L-band, no interference to the DBS signal was observed.”³

¹ For example, on February 10, 2000, prior to the beginning of DBS’ experimental operations Northpoint made an FCC filing that specified the power level and form of deployment necessary to use Northpoint technology at 6009 Oxon Hill Road, Oxon Hill, Maryland, a site where DBS later performed its experiment. Instead of setting up operations as Northpoint specified and therefore actually testing the Northpoint deployment plan, DBS operated at this location at a power level that was over 10 times higher than what had been specified by Northpoint. Accordingly, DBS testing operations were highly unrealistic and not representative of the manner in which Northpoint actually would operate.

² ComSearch Report Submitted to the FCC January 8, 1998, page 67

³ Ibid.

FACT SHEET ON NORTHPOINT TECHNOLOGY

DBS Assertion: Previous Northpoint testing was unrealistic, because Northpoint used the USA Today building in Arlington, VA as a transmit site and this building is surrounded by parkland.

The Facts: During Northpoint's two-month Washington trial in August and September 1999, Northpoint served a 100 square mile area that included large parts of the District of Columbia as well as Northern Virginia and parts of Maryland, not just the area immediately around the USA Today building. Northpoint actually operated two transmit sites including one in the middle of a residential neighborhood in Fort Lincoln, as well as from the USA Today location.

The USA Today location, itself, is highly desirable and used by many wireless companies. It is available as a location for Northpoint to use when it deploys its system. Thus, USA Today is highly representative of a location where Northpoint will actually operate.

Other Facts On Northpoint Testing:

- Successful tests have been conducted in three locations including Kingsville, Texas (1997), Austin, Texas (1998) and Washington, D.C. (1999). In each case an independent engineering firm conducted the test and a certification by a licensed Professional Engineer accompanied the Progress Report submitted to the FCC.
- Lucent Technologies' Bell Labs has provided the FCC with its own independent analysis of the 1999 Washington testing, concluding that interference to DBS from the Northpoint system was "negligible in all weather conditions."
- At no point during this three-year period has a single member of the public reported any form of interference to their DBS system from Northpoint's operations.
- The FCC itself documented the lack of harmful interference from Northpoint testing in its own Memorandum Opinion and Order issue February 2, 2000. This Memorandum stated unequivocally that there was "no evidence" supporting DBS claims of interference to DBS services from Northpoint operations.
- The FCC Compliance and Information Bureau conducted its own testing of Northpoint operations in September 1999 and reported "We did not observe any harmful interference as defined in Section 2.1 [CFR 47] during this testing."